



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 18, 2012

Stephanie Brady, Project Team Leader
U.S. Fish Wildlife Service
1011 East Tudor Rd., MS-231
Anchorage, Alaska 99503

Re: EPA comments on the USFWS Izembek National Wildlife Refuge Land Exchange/Road
Corridor Draft Environmental Impact Statement, EPA Project #09-046-DOI.

Dear Ms. Brady:

Thank you for the opportunity to review the Draft Environmental Impact Statement (EIS) for the Izembek National Wildlife Refuge Land Exchange/Road Corridor project near King Cove, Alaska (CEQ #20120081). We appreciate the tremendous effort of the U.S. Fish and Wildlife Service (FWS) to produce a reader-friendly and succinct document that clearly articulates the anticipated impacts of the proposed project. We believe that the visual graphics, maps, and impact summary tables are very useful to the reader. We also commend the FWS for developing a helpful project website.

We have reviewed the EIS in accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions as well as the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA. We have given the EIS an overall rating of EC-2 (Environmental Concerns-Insufficient Information). Our rating is based primarily on our concerns regarding the potential impacts to wilderness characteristics, a site on the Ramsar List of Wetlands of International Importance, hydrology, and habitat. We also believe that additional information concerning wetlands, the No Action Alternative, and historic properties should be included in the Final EIS. A description of our rating system is enclosed.

Although the EIS does not identify a preferred alternative, the analysis in the EIS indicates that Alternative 4, Hovercraft Operations from Northeast Terminal, is likely to be the environmentally preferable alternative. We recognize, however, that non-road alternatives may not be practicable or meet the purposes of the *Omnibus Public Land Management Act of 2009* (the Act) and so believe that it is prudent to identify an environmentally preferable road alternative. Based on the information currently presented in the Draft EIS, it appears that Alternative 3, Land Exchange and Central Road Alignment, may be the environmentally preferable road alternative.

As stated above, we believe that several areas in the EIS need additional information to fully disclose impacts and to achieve the coordination with other permit actions required under NEPA. Below are the specific issues we believe warrant additional consideration for the Final EIS:

Purpose and Need

The DEIS indicates that the primary need is a land exchange for the purpose of constructing a road. Therefore, it is unclear if the non-road alternatives currently being evaluated in the EIS truly meet the purpose and need, or if the Secretary can deem these alternatives to be in the public interest, or if a public interest review would be necessary. We recommend that the Final EIS include additional information about the criteria for the Secretary's public interest review as well as reconcile the legal requirements of the Act with the "nestled" purpose and need in the Final EIS.

Environmentally Preferable Alternatives

As stated above, based on information in the DEIS, it appears that Alternatives 4 and 3 are environmentally preferable. We believe that overall, Alternative 4 incurs the least impacts to a variety of resources while meeting the "nestled" purpose and need stated in the Draft EIS. However, because it is unclear if the Secretary can find a non-road alternative to be in the public interest, we have also reviewed and compared Alternatives 2 and 3, the two road alternatives. Because Alternative 3 impacts 1.4 fewer acres and requires fewer stream crossings than Alternative 2, Alternative 3 results in less impact to aquatic resources. We recognize that additional information needs to be gathered for permitting actions that will be required for this project. Based on that more detailed information, changes to the selected alternative may be needed. If changes are substantial, additional analysis will be required by the lead federal agency issuing the permit or authorization.

New Information

The Draft EIS acknowledges that recent information has been made available by the Aleutians East Borough regarding the inability to operate the current hovercraft, which is essentially the No Action alternative in the Draft EIS. We believe that this information needs to be fully analyzed by the FWS and if the current status of no hovercraft service is determined to be the existing condition, then the Final EIS needs to identify in detail how residents and health care providers are currently addressing medical and safety emergencies.

Realty Information

Although much of the analysis in the Draft EIS is focused on the "nestled" purpose and need of a transportation system, the primary action of the FWS is the exchange of lands (transfer to the State of Alaska and receipt of lands from the State of Alaska as well as a native corporation). Currently there is little detail regarding the state and corporation lands that are proposed for receipt by the FWS. It is clear that there is high interest and controversy regarding the tremendously high acreage being transferred from private and state ownership into federal ownership.

Because of this interest, as well as to adequately determine impacts, we believe it is incumbent upon the FWS to adequately describe these lands and their values. We recommend that a process to identify this information, similar to what was begun for the proposed Yukon Flats land exchange, be completed and disclosed to the public in the Final EIS.

Clean Water Act 404(b)(1) Analysis

We have previously recommended that a draft 404(b)(1) analysis be included in the EIS in an attempt to determine whether the least environmentally damaging alternative (LEDPA) is included in the alternatives analyzed in the EIS. We recognize that without an identified applicant, proceeding with a 404(b)(1) analysis may be difficult. However, because of the variety of transportation systems and the

lack of detailed analysis under CWA 404(b)(1) , it may be that the LEDPA has not been included in the EIS. We strongly urge the FWS to develop a draft 404(b)(1) analysis for inclusion in the final EIS. The lack of identification of information to identify the LEDPA may necessitate additional NEPA analysis in the future by the U.S. Army Corps of Engineers and could result in the identification of another alternative as the LEDPA, which could be in conflict with the Secretary's decision.

At a minimum we urge the FWS to complete a site-verified wetland delineation for inclusion in the Final EIS to more fully assess impacts to wetlands and to support a future 404(b)(1) analysis.

Compliance with Section 106 of the National Historic Preservation Act

We recommend that FWS complete the required review for eligible historic properties under Section 106 of the National Historic Preservation Act and include the information from its determination in the Final EIS. Otherwise, similar to compliance with Section 404 of the Clean Water Act, the Section 106 determination may preclude the selection of all or part of certain alternatives and also force additional analysis under NEPA in the future.

We appreciate the opportunity to offer comments on the Draft EIS and look forward to continuing to work with the FWS on addressing the issues we have identified for the Final EIS. Please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov or you may contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or curtis.jennifer@epa.gov with any questions you have regarding our comments.

Sincerely,

A handwritten signature in blue ink, reading "Christine B. Reichgott".

Christine B. Reichgott, Manager
Environmental Review and Sediments Management Unit

Enclosure

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.